

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **SPECIAL ORGANIZATIONAL MEETING**

#### **MINUTES**

Jarvis Hall

**4505 Ocean Drive**

**Monday, February 27, 2012**

**5:00 P.M.**

#### **1. CALL TO ORDER, MAYOR ROSEANN MINNET**

Mayor Roseann Minnet called the meeting to order at 5:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann and Town Clerk June White.

#### **2. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **3. ITEMS FOR DISCUSSION AND/OR ACTION**

- a. Discussion and/or Action Concerning Town Commission Protocols and Procedures for Conducting Town Business**

Commissioner Dodd complimented the members of the dais of two years ago for establishing the ground rules, as it brought back a level of professionalism, cooperation and respect, allowing the Commission to proceed efficiently with the Town's business. He felt presentations should be shortened and presenters made aware they would be cut short if they spoke too long.

Commissioner Brown wondered how rigid the requirement was for agenda items to be submitted eight days prior to the next commission meeting.

Town Clerk White indicated it depended on the amount of research the item required for it to be placed on the agenda.

Town Manager Hoffmann affirmed if an agenda request came in late and required considerable research by staff, she would contact the sponsoring Commissioner and suggest placing the item on the next agenda. Otherwise, the process was flexible.

Mayor Minnet asked if the Commission wished to leave in the procedures the ability to hold roundtables when desired. Whenever there was a presentation on an agenda item, Town staff could advise the presenter of the time limit to speak.

Vice Mayor Sasser wondered if removing the procedure on roundtable meetings would prevent the Commission from calling roundtables in the future.

Town Attorney Trevarthen replied if the procedure allowing roundtables was removed from the resolution, the Commission retained the ability to call a roundtable and to set the agenda for that meeting.

Vice Mayor Sasser suggested leaving the roundtable procedure in the resolution to prevent having to go back over all the procedures if the Commission decided to have a roundtable.

Commissioner Brown inquired whether Mayor Minnet was comfortable with the procedures stating the Mayor could not make a motion or a second without passing the gavel.

Town Attorney Trevarthen stated the procedure could be altered. However, it was common in cities to have such a procedure, as the Mayor functioned in a dual nature: chairing the meeting and trying to convey a point of view. Some cities decided it was best that the mayor not make motions, as there was a risk of monopolizing the meeting.

Vice Mayor Sasser believed when the matter arose two years prior, the Mayor indicated she was comfortable with the subject procedures as it was.

Mayor Minnet thanked the Commission for allowing her to have the flexibility of making a change if desired. However, she felt the existing procedures worked well for the past two years.

Commissioner Dodd made a motion to continue with the same protocols and procedures as set forth in Resolution 2011-17 adopted June 28, 2011. Vice Mayor Sasser seconded the motion. The motion carried 5-0.

**b. Discussion and/or Action Regarding Procedures for Appointing Advisory Board Members**

Commissioner Dodd reminded everyone the subject procedure was adopted following the 2008 elections, when a newly elected majority on the dais blocked the nomination from a minority member on the dais. In 2010, the Commission changed the requirements to prevent a recurrence, allowing each member of the Town Commission to nominate one member to a board/committee without the need for a second. He supported the strict enforcement of the policy that three consecutive absences resulted in the removal from the board, as having snowbirds on the Town boards/committees put a more onerous burden on the other members. Members should be reminded it was their duty to attend as many meetings as possible.

Commissioner Brown noticed in 2002 the Charter Review Board had seven members appointed, of which at least three residents were from each area of the Town. He

believed that part-time residents should not be allowed to serve on the Town's boards/committees, as they were absent for a greater portion of the summer. He felt all applicants for positions on the Town's boards should submit applications, so the Commission had the benefit of viewing their resume and other background information.

Town Attorney Trevarthen spoke on the issue of attendance for board members; presently, there was no requirement for attendance for them, though there was a Charter requirement regarding attendance for the Commission. The Commission could create a maximum number of absences, whether it was three or some other number; this was preferable to getting into whether someone owned property in the Town.

Mayor Minnet commented on the importance of filling the alternate positions of boards in order to ensure there was a quorum.

Town Attorney Trevarthen concurred, stating there were two philosophies from which the Commission could choose: the existing one of no limits on absences and alternates filling in, or placing a limit on absences and still having alternates. With regard to distinguishing applicants based on them being "homesteaded", the local planning agency, which was the Town's Planning & Zoning (P&Z) Board, had a role of not just hearing from residents, but also from property owners, business owners and others within the community. She clarified there was the requirement for residency that had to be fulfilled, but on some boards, members served not due to their being a resident but due to their expertise or background that was relevant and helpful.

Mayor Minnet sought clarification the Town's Charter required applicants to be registered voters of the Town if they wished to serve on the Board.

Town Manager Hoffmann responded applicants for the P&Z and the Board of Adjustment (BOA) had to be a resident of the Town and a qualified voter; she believed this was stated in the Code of Ordinances.

Town Attorney Trevarthen observed the Charter said board members must be "residents". If the requirement for qualified voter was listed only in an ordinance, the Town Commission could make a change by ordinance.

Vice Mayor Sasser asked if the applicants for the Town boards/committees had been screened to ensure they were qualified voters.

Town Manager Hoffmann indicated this had not been verified.

Vice Mayor Sasser suggested Town staff verify the requirement before the February 28 Town meeting. He was concerned about selecting persons to serve that he was unfamiliar with.

Mayor Minnet agreed the people that applied to serve on the Town's boards attended Commission meetings, and the present procedure worked for the past two years. She

felt a recommendation was needed that such issues should be brought up a year before appointments to allow sufficient time to examine the matter. For the present, there was Town business to be performed and holding off another month posed a problem.

Mayor Minnet recommended not examining the residency/voter issue at present, and moving forward with discussing the manner in which the Commission would appoint members to the boards.

Commissioner Vincent made a motion to have Commissioner Dodd do the first appointment to the P&Z, moving down the Commission from left to right; the two alternates would be nominated by Commissioner Dodd and Vice Mayor Sasser. The first appointee for the BOA would begin with Vice Mayor Sasser, moving left to right, and the alternates would be nominated by Vice Mayor Sasser and Mayor Minnet. The motion was seconded by Vice Mayor Sasser. The motion passed 5-0.

Mayor Minnet asked Town staff to ensure the above information was included in the Commission's backup for the February 28, 2012, Commission meeting.

#### **CHARTER REVIEW BOARD:**

Mayor Minnet read into the record how the previous Charter Review Board was selected. She invited recommendations for the makeup and procedures for this board.

Commissioner Brown stated he was flexible with the number of Charter Review Board members, but preferred to go no higher than seven members. He requested Town staff resolve the issue of the excessively small fonts of the Charter when printed from the Town's website; copies should be made and distributed to persons appointed to the Charter Review Board. He suggested eliminating the north/south division when it came to appointing members to this board.

Commissioner Vincent respectfully disagreed with the makeup of the Charter Review Board; as long as the Town had districts, there should be equal areas representation on the Charter Review Board.

Commissioner Dodd wished to know if someone could serve on more than one board.

Town Attorney Trevarthen stated dual office holding was a problem if the person served on a board that had any final decision-making authority.

Commissioner Brown asked if someone could serve on the Audit Committee and another board, such as P&Z, without it causing a conflict.

Town Manager Hoffmann said it was possible.

Mayor Minnet commented she served on the last Charter Review Board consisting of seven members, and she wished that number remain. There was a vast amount of

information to review and it was important to have the two extra minds; an even representation of north and south should be maintained on the board.

Commissioner Vincent observed there were no guarantees that the applicants would be sufficient to fulfill the north/south requirement.

Town Attorney Trevarthen pointed out none of the issues of discussion were covered by the Town's Charter, so it was up to the Commission resolve the matter based on the applications received.

Commissioner Dodd thought it unnecessary to stick to the equal board representation from the north and south, as each Commissioner's judgment could be trusted to select qualified board members for the Charter Review Board. Applicants should be examined and the most qualified chosen regardless of where they lived in the Town.

Commissioner Vincent asked if, upon review of the applicants, it was observed that there were qualified applicants from both the north and south, should the Commission nominate board members from each area.

Mayor Minnet agreed with Commissioner Brown selection by area was no longer necessary, as it had been over 12 years since annexation and the message should be that we are one Town.

There was Commission consensus to appoint a seven-member Charter Review Board, with each Commissioner appointing one member and the remaining two members being appointed by Commission consensus.

Town Attorney Trevarthen summarized the body of the motion:

- No north/south member requirements
- Seven members
- First five appointed by each member of the Commission
- Final two members appointed by Commission Consensus.

Commissioner Dodd made a motion as noted by the Town Attorney's summary above. Commissioner Vincent seconded the motion. The motion carried 5-0.

The Charter Review Board members would be appointed at the March 13, 2012, Commission meeting.

#### **AUDIT COMMITTEE:**

There was Commission consensus to continue with three members on the Audit Committee, with one alternate.

Town Manager Hoffmann read into the record the state statute requirements pertaining to the appointment of municipal audit committee members.

Town Attorney Trevarthen pointed out the Town's resolution relating to the appointment of audit committee members was specific to 2010; thus, a new resolution was needed. She sought direction if the Commission wished the procedure to remain the same as that of appointing members to the P&Z Board and the BOA.

Vice Mayor Sasser made a motion to follow the same procedure as with the P&Z Board and the BOA. Commissioner Dodd seconded the motion. The motion carried 5-0.

Commissioner Dodd asked staff to email the members of the Town Commission a list of all the applicants for all the boards prior to the February 28 meeting.

Town Manager Hoffmann indicated the list would be emailed to the Commissioners.

A Commissioner could pass on his turn to nominate a member if they chose to as it related to the P&Z, BOA and Audit Committee.

c. Discussion and/or Action Regarding the Firefighters Pension Trust Fund  
Board of Trustees

**FIREFIGHTER'S PENSION TRUST FUND BOARD:**

Town Clerk White confirmed the two existing members wished to be reappointed. She received applications from both persons.

Town Attorney Trevarthen stated the two members would be appointed by the Commission for a two-year term at the March 13, 2012, Commission meeting.

Commissioner Dodd suggested further discussion of staff's recommendation for appointments to be staggered, which he was in favor of.

Town Attorney Trevarthen affirmed the attorney for the Fire Pension Board mentioned to her communities preferred to stagger appointments, so they did not have all the pension board members' terms expiring at the same time.

Vice Mayor Sasser supported staggering appointments but desired further clarity on how this would be accomplished, as the backup indicated a member had to resign for this to take place.

Town Attorney Trevarthen explained when the pension board members were appointed, the Commission would ask one member to agree to resign after one year. This would give the Commission the opportunity to either reappoint the individual or appoint someone else to a full two-year term and, moving forward, the appointments would

always be staggered. Under the statute and the code, people could succeed themselves.

Mayor Minnet read in the backup the existing members were appointed in 2009 for a four-year term.

Town Attorney Trevarthen noted this was the reason for the present discussion, as they were appointed for four-year terms but the state statute and the Town's code stated they served for two-year terms. The statute allowed changing to four-year terms, but this had to take place by the adoption of an ordinance; no such ordinance had been requested by the Firefighter's Pension Board or the Town. She indicated the Town was now in a situation where the terms would be for two years.

Mayor Minnet wondered if Commissioner Dodd was requesting staggering for all the boards.

Commissioner Dodd answered no, just for this one as continuity on the Firefighter's Pension Board was very important.

There was Commission consensus to keep the two-year term, with the understanding that one appointee would agree to resign after one year to facilitate staggering the appointments. Commissioner Vincent had the first choice for appointment, and Town Attorney Trevarthen would draft a resolution for 2012.

d. Hiring Commission Interns (Commissioner Mark Brown)

Commissioner Brown stated he had the opportunity to intern in a congressional office, when he was young; it was a great learning experience and earned him credits towards his degree. He hoped to extend the same opportunity to a local college student. Over the last year, a dozen or more college students from City College attended Commission meetings, showing an interest in government. A number of caveats had to be addressed, one being that under Florida law, some form of compensation had to be extended to an intern; it could be in the form of credits rather than money, the former being his preference. He was willing to volunteer to take the lead and work with the college to ensure their program was structured to allow them to get credits. The supervision of the intern accomplishing assignments given by the Town Commissioners would be done by him. There was a Sunshine issue, in that if a Commissioner were to give a research assignment to the intern, the intern could not share that information with the other Commissioners. The student could work exclusively with that Commissioner. He presently had four or five interesting projects he hoped to give to an intern and have them do some research that could be beneficial to the Town, and it would save Town staff's having to set aside their work to do research. The Commissioners would find working with interns a useful asset.

Commissioner Vincent questioned if research had been done to discover if any area municipalities adopted a similar internship program by which students could gain credit.

Commissioner Brown indicated he had not done that research.

Commissioner Vincent wondered if there would be one intern for all the Commissioners or would each member of the dais work with their own intern.

Commissioner Brown thought one intern for the five members of the dais would be sufficient, as he did not think the amount of work would require more interns. However, if interest in working with interns grew on the Commission, the number could be increased.

Commissioner Dodd believed the issue of the Sunshine Law could be resolved by putting a synopsis of the project as an agenda item; thus, whenever a Commissioner assigned a project to the intern, the request could be placed as an agenda item. This would make members of the dais, staff and the community aware of the assignment.

Town Attorney Trevarthen agreed that was one method of handling the situation; however, one-way communications were permissible, as having something in writing and its being seen by another Commissioner was not a Sunshine issue. She noted one of the cities she worked for with a population of about 50,000 and a commission of seven employed one aide to work with the whole commission; that person was coached to deal with the concerns of Sunshine and the system worked well. Thus, it was not beyond the bounds of possibility to have one intern working for the five members of the Commission, and working with an intern could prove mutually beneficial.

Commissioner Dodd stated he was very in favor of working with an intern, providing the Sunshine issues were addressed.

Vice Mayor Sasser commented he benefited from his own research, as he learned from it despite the large amount of work. He had no wish to take anything away from what was being requested; he was unlikely to need the services of the intern but would do nothing to prevent other members of the dais from working with an intern. The caveat to his vote of approval would be that the intern cost the Town nothing.

Mayor Minnet stated that doing her own research facilitated an increase in her knowledge. Having an intern was an interesting idea, but the Sunshine issue was a concern. She was unsure if this was the right time to implement such a program. If there was a Commission consensus to use an intern, then the choice of candidates should go beyond just City College, as there were other area universities; for example: Florida Atlantic University (FAU) and Nova Southeastern University (NSU). She noted there was also the decision of how the intern would be selected, their qualifications, etc.; the process could become a big issue over something for which the necessity was in question. The question of whether other Broward cities used interns could be sent to Rhonda Calhoun, the Executive Director of the Broward League of Cities (BLC) for a response. She thought the Town could then follow established guidelines rather than having to create them.



Commissioner Brown said he mentioned City College because those students were the only ones he observed attending the Town's meetings. He had not spoken with them to discover if they had an internship program in place, nor was he opposed to canvassing other colleges in the area for intern candidates; he was willing to do that research. The reason for suggesting the internship program was not to have the intern do the Commissioners' work, as he intended to continue doing his own research on the issues he expected to vote on. The intern was a resource aid and more likely to be utilized to conduct research on new ideas not directly related to agenda items only, and for which the Commission might not wish to burden Town staff with and take them away from their regular duties. His experience of working with interns had been very positive and he saw it as a chance to give a college student an opportunity to get some hands-on experience in local government.

Commissioner Vincent supported Commissioner Brown's conducting research to discover if other Broward municipalities worked with interns.

There was Commission consensus to investigate whether other municipalities used college students as Commission Interns to receive college credit.

Mayor Minnet would contact Ms. Calhoun of the Broward League of Cities and report her findings to the Commission in approximately one month.

#### 4. ADJOURNMENT

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 6:23 p.m.

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Mayor Roseann Minnet

ATTEST:

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Town Clerk, June White CMC

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Date